

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KITCHEN WINNERS NY INC.,

Plaintiff,

-v-

ROCK FINTEK LLC,

Defendant,

22 Civ. 5276 (PAE)

ORDER

ROCK FINTEK LLC,

Counterclaimant and  
Third-Party Plaintiff,

-v-

KITCHEN WINNERS NY INC,

Counterclaim  
Defendant,

and

ADORAMA INC. et al.,

Third-Party  
Defendants.

PAUL A. ENGELMAYER, District Judge:

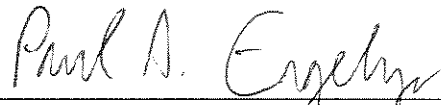
On July 15, 2022, plaintiff/counterclaim defendant and third-party defendants (collectively, “movants”) filed a motion to dismiss the third-party complaint under Rule 12 of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that defendant/third-party plaintiff shall file any amended third-party complaint by August 5, 2022. No further opportunities to amend will ordinarily be granted. If third-party plaintiff does amend, by August 26, 2022, movants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying third-party plaintiff, stating that they rely on the previously filed motion to dismiss.<sup>1</sup>

It is further ORDERED that if no amended third-party complaint is filed, third-party plaintiff shall serve any opposition to the motion to dismiss by August 5, 2022. Movants' reply, if any, shall be served by August 19, 2022. At the time any reply is served, the moving party shall supply the Court with a courtesy copy of all motion papers by attaching them as PDF files to a single email addressed to [EngelmayerNYSDChambers@nysd.uscourts.gov](mailto:EngelmayerNYSDChambers@nysd.uscourts.gov).

The Court will determine later whether to schedule oral argument.

SO ORDERED.



PAUL A. ENGELMAYER  
United States District Judge

Dated: July 18, 2022  
New York, New York

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<sup>1</sup> If movants file a new motion to dismiss or rely on their previous motion, third-party plaintiff's opposition will be due 14 days thereafter, and movants' reply, if any, will be due seven days after that.